

**THE CORPORATION OF THE CITY OF NORTH BAY**

**BY-LAW NO. 138-96**

**A BY-LAW TO DESIGNATE A SITE PLAN CONTROL  
AREA ON CERTAIN LANDS ON FISHER STREET  
(P. GASS/BPF HOLDINGS LIMITED -  
1183 AND 1193 FISHER STREET)**

**WHEREAS** the Council of The Corporation of the City of North Bay, hereinafter referred to as the "City", deems it desirable to designate a Site Plan Control Area in the City of North Bay pursuant to Section 41 of the Planning Act R.S.O. 1990;

**AND WHEREAS** the Council deems it desirable to delegate to the Clerk the authority to enter into an agreement respecting the matters referred to herein;

**AND WHEREAS** Council intends to pass By-law No. 137-96 to rezone the subject lands to a "Neighbourhood Commercial Special Zone No. 51 (C5 Sp.51)" to permit the construction of a one-storey dairy building to allow the processing and retail sales of dairy products.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF NORTH BAY HEREBY ENACTS AS FOLLOWS:**

- 1) That certain parcel of land, composed of Lot 21, Part Lot 20, Plan 56 in the City of North Bay, which lands are more particularly described on Schedule "A" attached hereto, is hereby designated as a Site Plan Control Area.
- 2) No building or structure shall be erected, constructed or placed on the said Site Plan Control Area except in accordance with the location, massing and conceptual design of the buildings and structures set out as Items 1, 2, 3, and 4 on Schedule "B" attached hereto, and which Schedule "B" is hereby approved by the Council provided that:
  - a) a one-storey, maximum 297.3 square metre commercial building shall be provided and maintained as set out as Item No. 1 on Schedule "B";
  - b) vehicular parking consisting of not less than thirteen (13) parking spaces shall be provided and maintained as set out as Item No. 2 on Schedule "B";
  - c) ingress and egress shall be provided and maintained as set out as Item No. 3 on Schedule "B";
  - d) fencing being not less than 1.8 metres and not greater than 2.5 metres in height, designed to provide visual and acoustical screening, shall be provided and maintained as set out as Item No. 4 on Schedule "B";
- 3) As a condition of approval a lot grading plan shall be provided to the satisfaction of the Engineering and Environmental Services Department and at no expense to the City.

- 4) As a further condition of approval no structure shall be constructed or used on the subject lands having an opening below the 671.7 foot C.G.D. elevation.
- 5) As a condition of approval of buildings and structures referred to in Section 2 hereof, no building or structure shall be erected, constructed, or placed on said Site Plan Control Area until the owner of the Site Plan Control Area has entered into an Agreement with The Corporation of the City of North Bay respecting the provisions, to the satisfaction of and at no expense to the Municipality of the following matters:
  - a) parking facilities, both covered and uncovered, and access driveways and the surfacing of such areas and driveways;
  - b) walkways and the surfacing thereof;
  - c) facilities for lighting, including floodlighting;
  - d) walls, fences, hedges, trees or shrubs, or other groundcover or facilities for the landscaping of the lands;
  - e) collection areas and other facilities and enclosures for the storage of garbage and other waste material;
  - f) grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures thereon.
- 6)
  - a) The Mayor and Clerk are hereby authorized upon the recommendation of the Chief Administrative Officer to enter into, under Corporate Seal, one or more Agreements on behalf of The Corporation of the City of North Bay with the owner of the subject lands herein to ensure the provision of all the facilities mentioned in this By-law, and to impose a fee of \$250.00 upon the owner for preparation and registration of the agreement.
  - b) The said Agreement may be registered against the lands to which it applies and the City may enforce the provisions of the Registry Act and The Land Titles Act against any and all subsequent owners of the land.
- 7)
  - a) The said Agreement shall be binding on the owner, its successors and assigns.

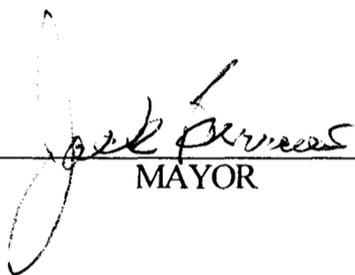
b) The owner shall authorize the City to exercise the provisions of Section 325 of The Municipal Act, R.S.O. 1980, Chapter 302, as amended in the event of a breach by the owner of a condition of this Agreement.

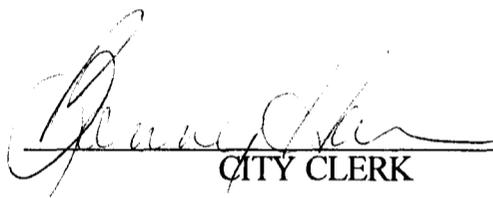
8) This By-law comes into force and effect upon being finally passed.

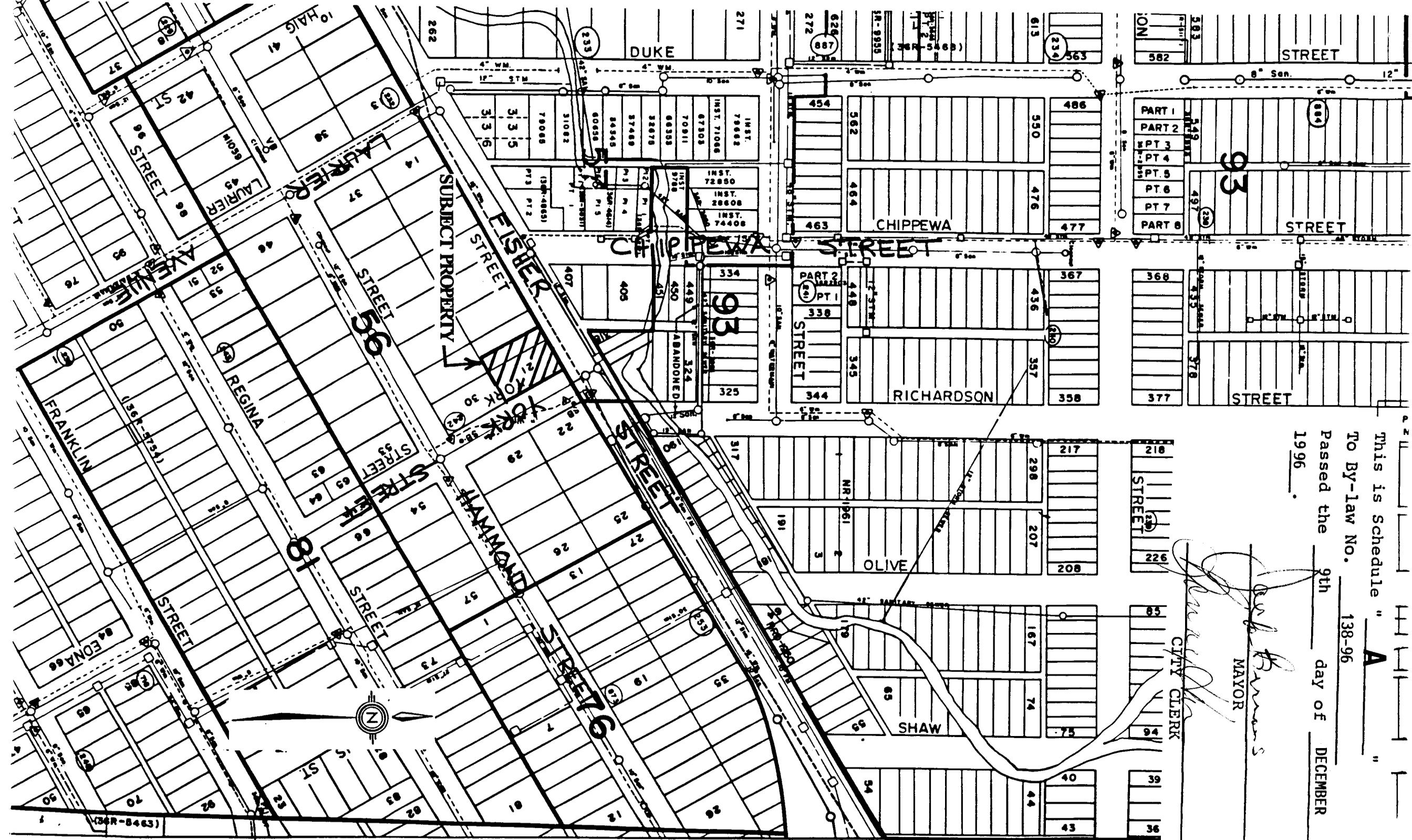
READ A FIRST TIME IN OPEN COUNCIL THE 25th DAY OF NOVEMBER  
1996.

READ A SECOND TIME IN OPEN COUNCIL THE 25th DAY OF NOVEMBER  
1996.

READ A THIRD TIME IN OPEN COUNCIL AND PASSED THIS 9th DAY  
OF DECEMBER 1996.

  
MAYOR

  
CITY CLERK



This is Schedule "A"  
 To By-law No. 138-96  
 Passed the 9th day of DECEMBER  
 1996.

*Paul Brown*  
 MAYOR

*Janet [unclear]*  
 CITY CLERK

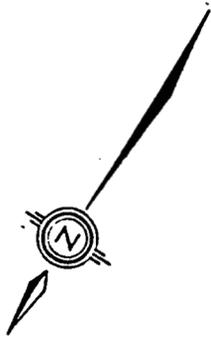
This is Schedule "     **B**    " "

To By-law No.     138-96    

Passed the     9th     day of     DECEMBER      
19    96    .

    [Signature]      
MAYOR

    [Signature]      
CITY CLERK



-  ITEM NO. 1
-  ITEM NO. 2
-  ITEM NO. 3
-  ITEM NO. 4

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